

ITW

Attorney's Docket No.: 006404.P013

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
Gek Hoon Quat, et al.)	
)	Examiner: Not Yet Assigned
Application No.: 10/734,710)	
)	Art Unit: Not Yet Assigned
Filing Date: December 12, 2003)	
)	
For: CONNECTION FOR AUDIO)	
TRANSFER)	
_____)	

Paul Shanoski
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.182

Please deliver to Paul Shanoski, c/o Office of Petitions

This is a renewed petition under 37 C.F.R. § 1.182 to rescind the Notice of Incomplete Nonprovisional Application filed under 37 CFR § 1.53(b) which was mailed to Applicant on March 30, 2004. Applicant believes the Notice of Incomplete Nonprovisional Application was mailed in error according to the facts listed below and the attached documents.

1. On December 12, 2003, Applicant filed a Utility Patent Application. The application package included a Utility Application Transmittal (in duplicate), a Fee Transmittal (in duplicate), the application (specification) (10 pages), drawings (four

sheets), a Declaration and Power of Attorney signed by the inventors, an Assignment signed by the inventors and an appropriate cover sheet, our Check Nos. 61710 and 61711 in the amounts of \$896.00 and \$40.00 in payment for the application filing fee and assignment recordation fee, respectively, and a return receipt postcard. The attorney for Applicant carefully checks each set of application documents being sent to the U.S. Patent Office to ensure that all documentation is enclosed before it is put into the Express Mail envelope.

2. The Express Mail Receipt for this application was dated by the U.S. Postal Service as being received on December 12, 2003 (please see "Date In" box on the Express Mail Receipt). In addition, the postcard that accompanied this application was date-stamped by the Patent Office mail room as being received on December 12, 2003 and the serial number of 10/734,710 was assigned to this application. The date-stamped postcard includes the item noted as "Application – Utility (10 pgs., with cover sheet and abstract)." Please note that the Express Mail Airbill Number "EV 336589202 US" is the same number that appears on the postcard and also on the Utility Patent Application transmittal form. A copy of the Express Mail Receipt and a copy of the return receipt postcard with the serial number sticker are attached hereto as Exhibits A and B.

3. Nearly four months later, Applicant received a Notice of Incomplete Nonprovisional Application for Serial No. 10/734,710 which was mailed from the Patent Office on March 30, 2004. The Notice indicates that the specification is missing, and that the original filing date has not been accorded to these application papers. A copy of the Notice of Incomplete Nonprovisional Application is attached hereto as

Exhibit C.

4. Applicant filed a Petition Asserting Submission of Filing Documents on April 6, 2004. A copy of the Petition is attached hereto as Exhibit D.

5. Applicant has now received a Decision on Petition under 37 C.F.R. § 1.182 dated July 2, 2004 dismissing Applicant's petition, indicating a discrepancy in the number of pages of the original specification. A copy of the Decision on Petition is attached hereto as Exhibit E.

6. Applicant submits that the original specification as filed totaled only ten pages, including a five-page specification, four pages of claims, and a one-page abstract. This was an unusual submission for our firm, in that there was no separate cover page as is normally included with applications and as our firm's standard return receipt postcard reflects. The words "cover and" as shown on the postcard with respect to the application should therefore have been deleted. The ten-page application beginning with Page 1 as a title page and ending with the abstract on Page 10, as submitted with the Petition Asserting Submission of Filing Documents, is an exact duplicate of the application as originally filed. Applicant's intellectual property representation firm has submitted applications without cover sheets accompanied by the same postcard many times in the past, and has never experienced either an application gone missing or been questioned about such a discrepancy before.

Applicant therefore again petitions the Patent Office to rescind the Notice of Incomplete Nonprovisional Application and to reinstate the original filing date of December 12, 2003. It is clear from the attached documents that Applicant filed the

Utility application with the specification enclosed, and the specification has apparently been misplaced during processing by the Patent Office, an unfortunate circumstance certainly but one which should not result in a denial of Applicant's original filing date.

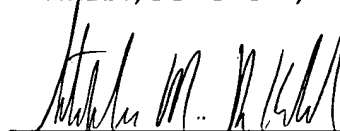
No fee appears to be due per the Decision on Petition, but if there are any additional fees, please charge them to Deposit Account 02-2666.

Applicant also requests a refund of the previously submitted petition fee, as the application is entitled to the original filing date.

If you have any questions, please contact the undersigned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Stephen M. De Klerk
Reg. No. 46,503

Dated: July 21, 2004

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

July 21, 2004
Date of Deposit

Linda K. Brost
Name of Person Mailing Correspondence


Signature

July 21, 2004
Date



Exhibit C

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/734,710	12/12/2003	Gek Hoon Quat	006404.P013

CONFIRMATION NO. 2360

Stephen M. De Klerk
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

FORMALITIES LETTER



OC000000012220263

Date Mailed: 03/30/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.


All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice **MUST** be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

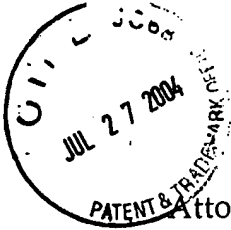


Exhibit D

Attorney's Docket No.: 006404.P013

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
Gek Hoon Quat, et al.)	
)	Examiner: Not Yet Assigned
Application No.: 10/734,710)	
)	Art Unit: Not Yet Assigned
Filing Date: December 12, 2003)	
)	
For: CONNECTION FOR AUDIO)	
TRANSFER)	
_____)	

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION ASSERTING SUBMISSION OF FILING DOCUMENTS

This is a petition to rescind the Notice of Incomplete Nonprovisional Application filed under 37 CFR § 1.53(b) which was mailed to Applicant on March 30, 2004.

Applicant believes the Notice of Incomplete Nonprovisional Application was mailed in error according to the facts listed below and the attached documents.

1. On December 12, 2003, Applicant filed a Utility Patent Application. The application package included a Utility Application Transmittal (in duplicate), a Fee Transmittal (in duplicate), the application (specification) (10 pages), drawings (four sheets), a Declaration and Power of Attorney signed by the inventors, an Assignment signed by the inventors and an appropriate cover sheet, our Check Nos. 61710 and 61711 in the amounts of \$896.00 and \$40.00 in payment for the application filing fee and assignment recordation fee, respectively, and a return receipt postcard. The attorney

for Applicant carefully checks each set of application documents being sent to the U.S. Patent Office to ensure that all documentation is enclosed before it is put into the Express Mail envelope.

2. The Express Mail Receipt for this application was dated by the U.S. Postal Service as being received on December 12, 2003 (please see "Date In" box on the Express Mail Receipt). In addition, the postcard that accompanied this application was date-stamped by the Patent Office mail room as being received on December 12, 2003 and the serial number of 10/734,710 was assigned to this application. The date-stamped postcard includes the item noted as "Application – Utility (10 pgs., with cover sheet and abstract)." Please note that the Express Mail Airbill Number "EV 336589202 US" is the same number that appears on the postcard and also on the Utility Patent Application transmittal form. A copy of the Express Mail Receipt and a copy of the return receipt postcard with the serial number sticker are attached hereto as Exhibits A and B.

3. Nearly four months later, Applicant has now received a Notice of Incomplete Nonprovisional Application for Serial No. 10/734,710 which was mailed from the Patent Office on March 30, 2004. The Notice indicates that the specification is missing, and that the original filing date has not been accorded to these application papers. A copy of the Notice of Incomplete Nonprovisional Application is attached hereto as Exhibit C.

Applicant petitions the Patent Office to rescind the Notice of Incomplete Nonprovisional Application and to reinstate the original filing date of December 12, 2003. It is clear from the attached documents that Applicant filed the Utility application with the specification enclosed, and the specification has apparently been misplaced

during processing by the Patent Office. Enclosed in response to a telephone call with the Patent Office today are duplicate copies of the specification and figures, as well as a check in the amount of \$130.00 in payment for the petition fee under 37 CFR § 1.17(h). According to the information received today, a new Declaration is not required with this Petition.

Applicant also requests a refund of the petition fee, as the application is entitled to the original filing date.

If there are any additional fees, please charge them to Deposit Account 02-2666.

If you have any questions, please contact the undersigned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 6, 2004

ORIGINAL SIGNED BY SMD

Stephen M. De Klerk
Reg. No. 46,503

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300

First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

April 6, 2004
Date of Deposit

Linda K. Brost
Name of Person Mailing Correspondence

Linda K. Brost
Signature

April 6, 2004
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

Paper No. None

Stephen M. De Klerk
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025

COPY MAILED

JUL 02 2004

OFFICE OF PETITIONS

In re Application of
Gek Hoon Quat et al.
Application No. 10/734,710
Date of Deposit: December 12, 2003
Attorney Docket No. 006404.P013
Title: CONNECTION FOR AUDIO
TRANSFER

DECISION ON PETITION
UNDER 37 C.F.R. §1.182

This is a decision on the "Petition asserting submission of filing documents," filed April 12, 2004, requesting that the above-identified application be accorded a filing date of December 12, 2003, with the specification submitted with the instant petition as part of the original disclosure of the application.

The application was deposited on December 12, 2003. However, on March 30, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application – Filing Date Not Granted" (notice) stating that the application had NOT been accorded a filing date, and advising applicants that the application was deposited without a specification. The notice further indicated that a filing date would be accorded when a specification was received.

On April 12, 2004, the instant petition was filed, along with a five page specification, four pages of claims, a one page abstract, and a copy of applicants' postcard receipt acknowledging receipt of "Application – Utility (10 pgs., with cover and abstract)" in the United States Patent and Trademark Office (Office) on December 12, 2003. Applicants request that both the application and the specification submitted with the instant petition be accorded a filing date of December 12, 2003.

Upon review of the record, the above-mentioned specification has not been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on December 12, 2003 included an 8 page specification, a 1 page abstract, and a 1 page cover sheet, and these 10 sheets were subsequently misplaced in the Office.

00404.7013
Creative Technology
SMD

Exhibit
E

Unfortunately, the specification which Petitioner has submitted with the instant petition does not match the information which he placed on his postcard. Petitioner's postcard itemizes a 10 page specification including an abstract and a cover sheet. Petitioner has submitted a 5 page specification, 4 pages of claims, and a 1 page abstract, which totals ten pages. No cover sheet has been submitted. Hence, if Petitioner were to add a cover sheet onto that which he has submitted with the instant petition, the total number of pages would be 11. It appears that Petitioner has added an extra page to the present submission.

As such, the petition is **DISMISSED**. ✓

- On renewed petition, Petitioner should explain this discrepancy. ✓
- Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.182." This is not a final agency action within the meaning of 5 U.S.C 704.


The renewed petition should display "Please deliver to Paul Shanowski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail¹, hand-delivery², or facsimile³.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.


Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

3 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.



Exhibit B

Serial/Patent No.: Not Yet Assigned Filing/Issue Date: Herewith
Client: Creative Technology Limited
Title: CONNECTION FOR AUDIO TRANSFER

BS TZ File No.: 006404.P013 Atty/Secty Initials: SMD/1kb
Date Mailed: December 12, 2003 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No.: <u>EV336589202US</u> <input checked="" type="checkbox"/> Check No. <u>61710</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time Amt: <u>\$896.00</u>
<input checked="" type="checkbox"/> Application - Utility (<u>10</u> pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.) <input checked="" type="checkbox"/> Check No. <u>61711</u>
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal Amt: <u>\$40.00</u>
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Application - Design (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)
<input checked="" type="checkbox"/> Assignment and Cover Sheet (3 pgs.)	<input type="checkbox"/> Reply Brief (____ pgs.)
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice of Missing Parts
<input checked="" type="checkbox"/> Declaration & POA (<u>4</u> pgs.) (signed)	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business
<input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate (2 pgs.)
<input checked="" type="checkbox"/> Drawings: <u>4</u> # of sheets includes <u>4</u> figures	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate (2 pgs.)

☐ Other: _____

Foreign Associate: Alban Tay Mahtani & de Silva.
Ref. No.: CREA/20302993/KC/mt]

22387 U.S. PTO
10/734710
121203

Transaction List

Search by

☐ Accounting Date: Operator ID:

(MMDDYY)

Accounting Date

Starts:

Ends:

☒ Name/Number:

☐ Attny Docket No:

☐ Deposit Account No.:



Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
04/14/2004	WABDELR1	71	SALE	1460	A	130.00	10734710	
03/29/2004	AIBRAHIM	8	SALE	1999	A	126.00	10734710	
03/29/2004	AIBRAHIM	7	ADJ	1202	A	-126.00	10734710	
12/23/2003	LMUELLER	43	SALE	8021	A	40.00	10734710	
12/17/2003	CCHAU1	29	SALE	1202	R	126.00	10734710	
12/17/2003	CCHAU1	28	SALE	1001	A	770.00	10734710	



Adjustment Detail

Authorization Detail

